

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GEORGE BIDDY,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:14CV2059 RWS
)	
MISSOURI DEPARTMENT OF)	
CORRECTIONS, et al.)	
)	
Respondents.)	

MEMORANDUM AND ORDER

This matter is before the Court on the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 filed by George Biddy. The Court referred this matter to United States Magistrate Judge David D. Noce for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On April 14, 2017, Judge Noce filed his Report and Recommendation that petitioner's habeas petition should be denied. [25]. Petitioner filed a motion for certificate of appealability in which he simply reargues his underlying grounds for relief. I have conducted a de novo review of all matters relative to petitioner's objections. After careful consideration, I will adopt and sustain Judge Noce's thorough Report

and Recommendation in its entirety as I agree with Judge Noce that petitioner is not entitled to relief for the reasons set out in the Report and Recommendation.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. See Tiedeman v. Benson, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing Flieger v. Delo, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because petitioner has not made such a showing, I will not issue a certificate of appealability.

Accordingly,

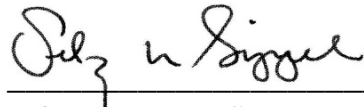
IT IS HEREBY ORDERED that the Report and Recommendation filed on April 14, 2017 [25] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that petitioner's motion for certificate of appealability [26] is denied.

IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus [1] is denied.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate judgment in accordance with this Memorandum and Order is entered this same date.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe".

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 1st day of May, 2017.